

HOUSE BILL 1174

C2

EMERGENCY BILL

01r2236
CF SB 99

By: ~~Delegate Kullen~~ **Delegates Kullen, Sophocleus, and Mathias**

Introduced and read first time: February 17, 2010

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 24, 2010

Returned to second reading: March 25, 2010

House action: Adopted with floor amendments

Read second time: March 25, 2010

CHAPTER _____

1 AN ACT concerning

2 **Junk Dealers and Scrap Metal Processors – Required Records**

3 FOR the purpose of altering the requirements for records that certain junk dealers
4 and scrap metal processors must keep for each purchase of certain junk or scrap
5 metal in the State; providing that certain provisions of law do not apply to
6 certain transactions; providing for the designation of primary law enforcement
7 units; ~~preempting~~ providing that certain rights of certain counties and
8 municipalities ~~are not preempted by certain provisions of this Act; superseding~~
9 providing that certain laws of certain counties and municipalities ~~are not~~
10 superseded by certain provisions of this Act; providing for the applicability of
11 the record keeping requirements; providing for the form and contents of the
12 records; requiring that certain records be kept electronically; providing for the
13 submission of certain records to certain law enforcement units under certain
14 circumstances; providing that certain provisions may not be construed to
15 require junk dealers and scrap metal processors to incur certain financial
16 burdens for complying with certain record submission requirements;
17 authorizing certain law enforcement units to issue certain waivers under
18 certain circumstances; prohibiting junk dealers and scrap metal processors from
19 purchasing a catalytic converter except under certain circumstances;
20 prohibiting junk dealers and scrap metal processors from purchasing cemetery
21 urns, grave markers, and certain other items except under certain
22 circumstances; authorizing State or local law enforcement personnel to request

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 information from certain records under certain circumstances; authorizing a
 2 State or local law enforcement agency to issue a certain hold notice under
 3 certain circumstances; exempting certain items acquired from certain entities
 4 from certain record and reporting requirements; authorizing certain law
 5 enforcement personnel to enforce this Act; establishing certain penalties;
 6 altering a certain definition; making this Act an emergency measure; and
 7 generally relating to junk dealers and scrap metal processors.

8 BY repealing and reenacting, with amendments,
 9 Article – Business Regulation
 10 Section 12–102(a), 17–1001(e), 17–1010, and 17–1011
 11 Annotated Code of Maryland
 12 (2004 Replacement Volume and 2009 Supplement)

13 BY repealing and reenacting, without amendments,
 14 Article – Business Regulation
 15 Section 17–1001(a) and (f)
 16 Annotated Code of Maryland
 17 (2004 Replacement Volume and 2009 Supplement)

18 BY adding to
 19 Article – Business Regulation
 20 Section 17–1001(g) and 17–1003
 21 Annotated Code of Maryland
 22 (2004 Replacement Volume and 2009 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 24 MARYLAND, That the Laws of Maryland read as follows:

25 **Article – Business Regulation**

26 12–102.

27 (a) This title does not apply to a transaction that involves:

28 (1) merchandise acquired from an established manufacturer or dealer
 29 who holds a license under this title, other than a pawnbroker, if the dealer who
 30 acquires the merchandise keeps an invoice or other customary proof of origin for the
 31 merchandise;

32 (2) a metal acquired for use in dentistry by a dentist licensed to
 33 practice dentistry under Title 4 of the Health Occupations Article; [or]

34 (3) coins or numismatic items; **OR**

1 **(4) THE PURCHASE OF JUNK OR SCRAP METAL THAT IS SUBJECT**
2 **TO THE RECORD KEEPING AND REPORTING REQUIREMENTS UNDER § 17-1011**
3 **OF THIS ARTICLE.**

4 17-1001.

5 (a) In this subtitle the following words have the meanings indicated.

6 (e) **(1)** “Junk” or “scrap metal” includes:

7 **[(1) (I) NONFERROUS** articles made wholly or **[partly]**
8 **SUBSTANTIALLY** of:

9 **[(i)] 1.** aluminum;

10 **[(ii)] 2.** babbitt metal;

11 **[(iii)] 3.** brass;

12 **[(iv)] 4.** bronze;

13 **[(v)] 5.** light copper;

14 **[(vi)] 6.** heavy copper;

15 **[(vii)] 7.** lead;

16 **[(viii)] 8.** low carbon chrome;

17 **[(ix)] 9.** low carbon manganese;

18 **[(x)] 10.** molybdenum;

19 **[(xi)] 11.** monel metal;

20 **[(xii)] 12.** pewter;

21 **[(xiii)] 13.** nickel;

22 **14. STAINLESS STEEL;**

23 **[(xiv)] 15.** tin;

24 **[(xv)] 16.** vanadium; **[or]**

25 **[(xvi)] 17.** zinc;

- 1 **18. PLATINUM;**
2 **19. GOLD;**
3 **20. RHODIUM; OR**
4 **21. OTHER NONFERROUS METALS; AND**

- 5 [(2) stoves;
6 (3) plumbing fixtures and supplies;
7 (4) electrical fixtures and wiring;
8 (5) gas fixtures and appliances;
9 (6) pipes;
10 (7) locks;
11 (8) used railroad equipment;
12 (9) used farm machinery; and
13 (10) any other similar used material.]

14 **(II) THE FOLLOWING USED ARTICLES, MADE OF EITHER**
15 **FERROUS OR NONFERROUS METAL:**

- 16 **1. CATALYTIC CONVERTERS;**
17 **2. METAL BLEACHERS;**
18 **3. HARD-DRAWN COPPER;**
19 **4. METAL BEER KEGS;**
20 **5. CEMETERY URNS;**
21 **6. GRAVE MARKERS;**
22 **7. PROPANE TANKS; AND**
23 **8. ANY OTHER USED ARTICLES OWNED BY A PUBLIC**
24 **UTILITY INCLUDING:**

- 1 **A. GUARDRAILS;**
2 **B. MANHOLE COVERS;**
3 **C. METAL LIGHT POLES;**
4 **D. TREE GRATES;**
5 **E. WATER METERS; AND**
6 **F. STREET SIGNS.**

7 **(2) “JUNK” OR “SCRAP METAL” DOES NOT INCLUDE BEVERAGE**
8 **CANS OR FOOD CANS.**

9 (f) “Junk dealer” or “scrap metal processor” means a person who does
10 business buying or selling junk or scrap metal.

11 **(G) “PRIMARY LAW ENFORCEMENT UNIT” MEANS THE DEPARTMENT OF**
12 **STATE POLICE, A POLICE DEPARTMENT, OR SHERIFF, AS DESIGNATED BY A**
13 **RESOLUTION OF THE COUNTY OR MUNICIPAL GOVERNING BODY IN THE COUNTY**
14 **IN WHICH THE LICENSE OF THE JUNK DEALER OR SCRAP METAL PROCESSOR IS**
15 **HELD.**

16 **17-1003.**

17 **(A) A COUNTY OR MUNICIPAL GOVERNING BODY IN THE COUNTY IN**
18 **WHICH THE LICENSE OF THE JUNK DEALER OR SCRAP METAL PROCESSOR IS**
19 **HELD SHALL DESIGNATE BY RESOLUTION THE PRIMARY LAW ENFORCEMENT**
20 **UNIT TO RECEIVE RECORDS IN ACCORDANCE WITH § 17-1011(B) OF THIS**
21 **SUBTITLE.**

22 **(B) IF A MUNICIPAL GOVERNING BODY DESIGNATES A COUNTY POLICE**
23 **DEPARTMENT OR SHERIFF AS THE PRIMARY LAW ENFORCEMENT UNIT UNDER**
24 **THIS SECTION, THE COUNTY MAY DESIGNATE THE DEPARTMENT OF STATE**
25 **POLICE AS THE PRIMARY LAW ENFORCEMENT UNIT.**

26 **17-1010.**

27 **[(a)]** A nonresident junk dealer or nonresident scrap metal processor may not
28 keep a fixed place of business in the State.

29 **[(b) (1)]** Before transporting junk or scrap metal from the State, each
30 nonresident junk dealer, nonresident scrap metal processor, or agent of a nonresident

1 junk dealer or nonresident scrap metal processor shall register with the sheriff of the
2 county where the junk or scrap metal was bought a complete description of the junk or
3 scrap metal to be transported.

4 (2) The description shall include:

5 (i) the date of purchase;

6 (ii) the name and junk dealer or scrap metal processor license
7 number, if any, of the buyer;

8 (iii) the name and junk dealer or scrap metal processor license
9 number, if any, of the seller;

10 (iv) the license tag number of the vehicle used; and

11 (v) the name of any consignee.]

12 17-1011.

13 [(a) Each junk dealer or scrap metal processor who is a resident of the State
14 shall keep a written record in English that:

15 (1) for each purchase of junk or scrap metal:

16 (i) is made at the time of the purchase; and

17 (ii) includes:

18 1. a description of the junk or scrap metal purchased;

19 2. the name and address of the seller;

20 3. the license tag number of any vehicle used; and

21 4. the date and time of the purchase; and

22 (2) for each sale of junk or scrap metal, shows the name and address of
23 the buyer.

24 (b) The records shall be open to inspection by State or local law enforcement
25 personnel for the jurisdiction where the place of business of the junk dealer or scrap
26 metal processor is located.]

27 **(A) (1) THIS SECTION APPLIES TO ALL JUNK DEALERS AND SCRAP**
28 **METAL PROCESSORS DOING BUSINESS IN THE STATE, INCLUDING NONRESIDENT**
29 **JUNK DEALERS, NONRESIDENT SCRAP METAL PROCESSORS, AND JUNK DEALERS**

1 AND SCRAP METAL PROCESSORS WHO ARE RESIDENTS OF THE COUNTIES
2 LISTED IN § 17-1002(A) OF THIS SUBTITLE.

3 (2) THIS SECTION APPLIES TO AN AUTOMOTIVE DISMANTLER AND
4 RECYCLER OR SCRAP METAL PROCESSOR LICENSED UNDER TITLE 15,
5 SUBTITLE 5 OF THE TRANSPORTATION ARTICLE IF THE AUTOMOTIVE
6 DISMANTLER AND RECYCLER OR SCRAP METAL PROCESSOR:

7 (I) CONDUCTS BUSINESS AS A LICENSED JUNK DEALER OR
8 SCRAP METAL PROCESSOR;

9 (II) ACQUIRES VEHICLE PARTS THAT QUALIFY AS JUNK OR
10 SCRAP METAL AS DEFINED UNDER § 17-1001(E) OF THIS SUBTITLE; OR

11 (III) ACQUIRES ARTICLES THAT ARE LISTED, OR MADE OF
12 METALS THAT ARE LISTED, IN § 17-1001(E) OF THIS SUBTITLE.

13 (3) THIS SECTION DOES NOT APPLY TO:

14 (I) AN AUTOMOTIVE DISMANTLER AND RECYCLER OR
15 SCRAP METAL PROCESSOR THAT ONLY ACQUIRES WHOLE VEHICLES FOR THE
16 PURPOSE OF DISMANTLING, DESTROYING, OR SCRAPPING THEM FOR THE
17 BENEFIT OF THEIR PARTS OR THE MATERIALS IN THEM; OR

18 (II) A PERSON THAT BUYS SCRAP METAL TO USE AS RAW
19 MATERIAL TO PRODUCE 1,000,000 TONS OF STEEL OR MORE IN THE STATE PER
20 CALENDAR YEAR.

21 (4) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
22 PARAGRAPH, THIS SECTION ~~PREEMPTS~~ DOES NOT PREEMPT THE RIGHT OF A
23 COUNTY OR MUNICIPALITY TO REGULATE THE RESALE OF JUNK OR SCRAP
24 METAL.

25 (II) THIS SECTION DOES NOT LIMIT THE POWER OF A
26 COUNTY OR MUNICIPALITY TO LICENSE JUNK DEALERS AND SCRAP METAL
27 PROCESSORS.

28 (III) THIS SECTION ~~SUPERSEDES~~ DOES NOT SUPERSEDE ANY
29 EXISTING LAW OF A COUNTY OR MUNICIPALITY THAT REGULATES THE RESALE
30 OF JUNK OR SCRAP METAL.

31 (B) (1) FOR EACH PURCHASE OF JUNK OR SCRAP METAL IN THE
32 STATE, A JUNK DEALER OR SCRAP METAL PROCESSOR SHALL KEEP AN
33 ACCURATE RECORD IN ENGLISH.

(2) THE RECORD SHALL STATE:

(I) THE DATE AND TIME OF PURCHASE;

(II) A DESCRIPTION OF THE JUNK OR SCRAP METAL PURCHASED, INCLUDING:

1. THE TYPE AND GRADE OF THE JUNK OR SCRAP METAL; AND

2. IF PAYMENT IS BASED ON WEIGHT, THE WEIGHT OF EACH TYPE AND GRADE OF JUNK OR SCRAP METAL;

(III) THE AMOUNT PAID OR OTHER CONSIDERATION FOR THE JUNK OR SCRAP METAL;

(IV) THE REGISTRATION PLATE NUMBER, MAKE, AND MODEL OF ANY VEHICLE USED;

(V) THE NAME AND ADDRESS OF THE INDIVIDUAL FROM WHOM THE JUNK OR SCRAP METAL IS ACQUIRED;

(VI) THE SIGNATURE OF:

1. THE INDIVIDUAL FROM WHOM THE JUNK OR SCRAP METAL IS ACQUIRED; AND

2. THE JUNK DEALER, SCRAP METAL PROCESSOR, OR EMPLOYEE WHO ACCEPTED THE JUNK OR SCRAP METAL; AND

(VII) FOR EACH INDIVIDUAL FROM WHOM THE JUNK DEALER OR SCRAP METAL PROCESSOR ACQUIRES JUNK OR SCRAP METAL:

1. THE DATE OF BIRTH AND DRIVER'S LICENSE NUMBER OF THE INDIVIDUAL; OR

2. IDENTIFICATION INFORMATION ABOUT THE INDIVIDUAL FROM A VALID STATE-ISSUED PHOTO ID THAT PROVIDES A PHYSICAL DESCRIPTION OF THE INDIVIDUAL, INCLUDING THE SEX, RACE, ANY DISTINGUISHING FEATURES, AND APPROXIMATE AGE, HEIGHT, AND WEIGHT OF THE INDIVIDUAL.

(3) THE RECORDS REQUIRED UNDER THIS SUBSECTION SHALL BE KEPT IN ELECTRONIC FORM.

1 **(4) (I) SUBJECT TO SUBPARAGRAPH (IV) OF THIS PARAGRAPH,**
2 **THE JUNK DEALER OR SCRAP METAL PROCESSOR SHALL SUBMIT A COPY OF**
3 **EACH RECORD REQUIRED UNDER THIS PARAGRAPH TO THE PRIMARY LAW**
4 **ENFORCEMENT UNIT IN ACCORDANCE WITH SUBPARAGRAPHS (II) AND (III) OF**
5 **THIS PARAGRAPH.**

6 **(II) A JUNK DEALER OR SCRAP METAL PROCESSOR SHALL**
7 **SUBMIT A RECORD BY TRANSMITTING A COPY OF THE RECORDS**
8 **ELECTRONICALLY, IN A FORMAT ACCEPTABLE TO THE RECEIVING PRIMARY LAW**
9 **ENFORCEMENT UNIT, BY THE END OF THE FIRST BUSINESS DAY FOLLOWING THE**
10 **DATE OF THE TRANSACTION.**

11 **(III) EACH COPY OF A RECORD SUBMITTED TO THE PRIMARY**
12 **LAW ENFORCEMENT UNIT SHALL INCLUDE:**

13 **1. THE DATE AND TIME OF PURCHASE;**

14 **2. A DESCRIPTION OF THE JUNK OR SCRAP METAL,**
15 **INCLUDING ITS WEIGHT IF PAYMENT IS BASED ON WEIGHT;**

16 **3. WHETHER THE AMOUNT PAID OR OTHER**
17 **CONSIDERATION FOR THE JUNK OR SCRAP METAL EXCEEDS \$500;**

18 **4. THE REGISTRATION PLATE NUMBER OF ANY**
19 **VEHICLE USED BY THE INDIVIDUAL FROM WHOM THE JUNK OR SCRAP METAL IS**
20 **ACQUIRED;**

21 **5. THE NAME AND ADDRESS OF THE INDIVIDUAL**
22 **FROM WHOM THE JUNK OR SCRAP METAL IS ACQUIRED;**

23 **6. THE DATE OF BIRTH AND DRIVER'S LICENSE**
24 **NUMBER OF THE INDIVIDUAL FROM WHOM THE JUNK OR SCRAP METAL IS**
25 **ACQUIRED; AND**

26 **7. IDENTIFICATION INFORMATION ABOUT THE**
27 **INDIVIDUAL FROM A VALID STATE-ISSUED PHOTO ID THAT PROVIDES A**
28 **PHYSICAL DESCRIPTION OF THE INDIVIDUAL, INCLUDING THE SEX, RACE, AGE,**
29 **HEIGHT, AND WEIGHT OF THE INDIVIDUAL.**

30 **(IV) THE PROVISIONS OF SUBPARAGRAPHS (I), (II), AND (III)**
31 **OF THIS PARAGRAPH MAY NOT BE CONSTRUED TO REQUIRE A JUNK DEALER OR**
32 **SCRAP METAL PROCESSOR TO INCUR A SUBSTANTIAL FINANCIAL BURDEN TO**
33 **COMPLY WITH THE REQUIREMENTS OF THIS PARAGRAPH.**

1 **(5) A COPY OF A RECORD SUBMITTED UNDER PARAGRAPH (4) OF**
2 **THIS SUBSECTION:**

3 **(I) SHALL BE KEPT CONFIDENTIAL;**

4 **(II) IS NOT A PUBLIC RECORD; AND**

5 **(III) IS NOT SUBJECT TO TITLE 10, SUBTITLE 6 OF THE**
6 **STATE GOVERNMENT ARTICLE.**

7 **(6) THE PRIMARY LAW ENFORCEMENT UNIT MAY DESTROY THE**
8 **COPY OF A RECORD SUBMITTED UNDER PARAGRAPH (4) OF THIS SUBSECTION**
9 **AFTER 1 YEAR FROM THE DATE THAT THE PRIMARY LAW ENFORCEMENT UNIT**
10 **RECEIVES THE COPY.**

11 **(7) (I) THE PRIMARY LAW ENFORCEMENT UNIT MAY WAIVE**
12 **THE HOLDING OF ELECTRONIC RECORDS UNDER PARAGRAPH (3) OF THIS**
13 **SUBSECTION OR THE SUBMISSION OF ELECTRONIC RECORDS UNDER**
14 **PARAGRAPH (4) OF THIS SUBSECTION BY A JUNK DEALER OR SCRAP METAL**
15 **PROCESSOR.**

16 **(II) ANY WAIVERS GRANTED UNDER SUBPARAGRAPH (I) OF**
17 **THIS PARAGRAPH SHALL BE LIMITED TO AUTHORIZING A JUNK DEALER OR**
18 **SCRAP METAL PROCESSOR TO:**

19 **1. EXTEND THE REPORTING DEADLINE UNDER**
20 **PARAGRAPH (4) OF THIS SUBSECTION FOR AN EXTRA DAY;**

21 **2. HOLD WRITTEN RECORDS; OR**

22 **3. SUBMIT RECORDS BY FACSIMILE OR BY MAIL.**

23 **(c) (1) THIS SUBSECTION APPLIES TO JUNK DEALERS AND SCRAP**
24 **METAL PROCESSORS WHO ARE RESIDENTS OF THE STATE.**

25 **(2) EACH JUNK DEALER OR SCRAP METAL PROCESSOR SHALL**
26 **KEEP THE RECORDS REQUIRED BY SUBSECTION (B) OF THIS SECTION FOR 1**
27 **YEAR AFTER THE DATE OF THE TRANSACTION.**

28 **(3) THE RECORDS KEPT IN ACCORDANCE WITH THIS SUBSECTION**
29 **SHALL BE OPEN TO INSPECTION DURING BUSINESS HOURS BY STATE OR LOCAL**
30 **LAW ENFORCEMENT PERSONNEL FOR AN INVESTIGATION OF A SPECIFIC CRIME**
31 **INVOLVING THE MATERIALS LISTED UNDER § 17-1001(E) OF THIS SUBTITLE.**

1 **[(c)] (D) (1)** A State junk licensee may not barter, buy, exchange, or
2 accept from a person any junk or scrap metal unless the State junk licensee keeps
3 records and makes entries in them in accordance with Part II of this subtitle.

4 **(2) A STATE JUNK LICENSEE MAY NOT PURCHASE A CATALYTIC**
5 **CONVERTER FROM AN INDIVIDUAL UNLESS THE INDIVIDUAL, AT THE TIME OF**
6 **PURCHASE, PROVIDES IDENTIFICATION AS:**

7 **(I) A LICENSED AUTOMOTIVE DISMANTLER AND RECYCLER**
8 **OR SCRAP METAL PROCESSOR; OR**

9 **(II) AN AGENT OR EMPLOYEE OF A LICENSED COMMERCIAL**
10 **ENTERPRISE.**

11 **(3) A STATE JUNK LICENSEE MAY NOT PURCHASE A CEMETERY**
12 **URN, GRAVE MARKER, OR ANY OTHER ITEM LISTED UNDER**
13 **§ 17-1001(E)(1)(II) OF THIS SUBTITLE FROM AN INDIVIDUAL UNLESS THE**
14 **INDIVIDUAL, AT THE TIME OF PURCHASE, PROVIDES APPROPRIATE**
15 **AUTHORIZATION FROM A RELEVANT BUSINESS OR UNIT OF FEDERAL, STATE, OR**
16 **LOCAL GOVERNMENT SPECIFICALLY AUTHORIZING THE INDIVIDUAL TO**
17 **CONDUCT THE TRANSACTION.**

18 **(E) STATE OR LOCAL LAW ENFORCEMENT PERSONNEL MAY REQUEST**
19 **INFORMATION FROM THE RECORDS REQUIRED UNDER SUBSECTION (B) OF THIS**
20 **SECTION PURSUANT TO AN INVESTIGATION OF A SPECIFIC CRIME INVOLVING**
21 **THE MATERIALS LISTED UNDER § 17-1001(E) OF THIS SUBTITLE.**

22 **(F) THE RECORD AND REPORTING REQUIREMENTS OF SUBSECTION (B)**
23 **OF THIS SECTION DO NOT APPLY TO AN ITEM THAT IS ACQUIRED FROM:**

24 **(1) A LICENSED JUNK DEALER OR SCRAP METAL PROCESSOR;**

25 **(2) A UNIT OF FEDERAL, STATE, OR LOCAL GOVERNMENT; OR**

26 **(3) A COMMERCIAL ENTERPRISE WITH WHOM THE JUNK DEALER**
27 **OR SCRAP METAL PROCESSOR HAS ENTERED A WRITTEN CONTRACT.**

28 **(G) (1) IF A STATE OR LOCAL LAW ENFORCEMENT AGENCY HAS**
29 **REASONABLE CAUSE TO BELIEVE THAT JUNK OR SCRAP METAL THAT IS IN THE**
30 **POSSESSION OF A JUNK DEALER OR SCRAP METAL PROCESSOR IS STOLEN, THE**
31 **LAW ENFORCEMENT AGENCY MAY ISSUE A WRITTEN HOLD NOTICE.**

32 **(2) THE WRITTEN HOLD NOTICE SHALL:**

1 **(I) IDENTIFY THE ITEMS OF JUNK OR SCRAP METAL**
2 **ALLEGED TO BE STOLEN AND SUBJECT TO HOLD;**

3 **(II) INFORM THE JUNK DEALER OR SCRAP METAL**
4 **PROCESSOR OF THE HOLD IMPOSED ON THE ITEMS OF JUNK OR SCRAP METAL;**
5 **AND**

6 **(III) SPECIFY THE TIME PERIOD FOR THE HOLD, NOT TO**
7 **EXCEED 15 DAYS.**

8 **(3) ON RECEIPT OF A WRITTEN HOLD NOTICE FROM A LAW**
9 **ENFORCEMENT AGENCY, A JUNK DEALER OR SCRAP METAL PROCESSOR MAY**
10 **NOT PROCESS OR REMOVE FROM THE JUNK DEALER'S OR SCRAP METAL**
11 **PROCESSOR'S PLACE OF BUSINESS BEFORE THE END OF THE HOLD PERIOD ANY**
12 **ITEMS OF JUNK OR SCRAP METAL IDENTIFIED IN THE HOLD NOTICE, UNLESS**
13 **THE ITEM IS RELEASED BY THE LAW ENFORCEMENT AGENCY OR BY COURT**
14 **ORDER.**

15 **(H) LOCAL LAW ENFORCEMENT PERSONNEL OF THE COUNTY WHERE**
16 **THE PLACE OF BUSINESS OF THE JUNK DEALER OR SCRAP METAL PROCESSOR IS**
17 **LOCATED OR WHERE THE JUNK OR SCRAP METAL WAS PURCHASED MAY**
18 **ENFORCE THIS SECTION.**

19 **(I) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A**
20 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:**

21 **(1) A FINE NOT EXCEEDING \$500 FOR A FIRST OFFENSE; AND**

22 **(2) A FINE NOT EXCEEDING \$5,000 OR IMPRISONMENT NOT**
23 **EXCEEDING 1 YEAR OR BOTH FOR A SUBSEQUENT OFFENSE.**

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
25 measure, is necessary for the immediate preservation of the public health or safety,
26 has been passed by a ye and nay vote supported by three-fifths of all the members
27 elected to each of the two Houses of the General Assembly, and shall take effect from
28 the date it is enacted.